REMARKS

Receipt of the Office Action of May 2, 2005, is gratefully acknowledged.

Claims 22-47 have been re-examined and rejected as follows: (1) claims 22-37 and 44-77 as unpatentable under 35 U.S.C. 103(a) over Wahlquist et al (newly cited). in view of Norman et al. (newly cited); and (2) claims 38-43 as unpatentable under 35 U.S.C. 103(a) over Wahlquist et al. in view of Morman et al. and Topp (previously cited).

These rejections have been carefully considered. Applicant cannot agree, however, that claims 22-47 are unpatentable under 35 U.S.C. 103 based on the references cited. The noted rejections are therefore respectfully traversed.

(1)

In discussing claim 22, the examiner suggest that Wahlquist et al. teaches three layers which correspond to the three layers recited in claim 22 except that ". . . Wahlquist et al. fail to disclose said third layer of microfibers being provided directly on the full surface of the side of said first layer of staple fibers remote from said second layer . . . ".

Applicant cannot agree that Wahlquist et al. discloses the three layers claimed in claim 22.

Claim 22 recites three layers ***with specifically identified features.*** The first layer has "substantially continuous staple fibers....having a diameter of 15 to 35 μm," a third layer has "microfibers having a diameter of less than 10 μm." The third layer is "provided directly on the full surface of the ....first layer remote from ...second layer by a melt-blown process." As a result, the third layer "penetrates the surface structure of ...first layer" so that "D^1 .....is less than the thickness D_{sp}."

Wahlquist et al has three layers, but not three layers like those recited in claim 22.

Figure 3 of Wahlquist et al. shows a composite material. According to

column 3, lines 21 ff., particularly lines 31 to 44, first a "surface web 10 of prebonded continuous filaments" is formed, which filaments according to column 5, line 17 have a thickness of ***more than 12 µm***, particularly 15 to 25 µm. Onto this surface web 10 a microfiber layer 12 is directly formed. The thickness of those microfibers ***is at most 10 µm***, e. g., 2 to 6 µm. Then, a polymeric film 13 is applied to the surface of the microfiber layer 12 opposite the surface web 10. This means that with the composite material of Wahlquist et al, the mat 12 of meltblown microfibers having a diameter of less than 10 µm is sandwiched ***between*** the other layers. Connecting the layers together is done between a smooth heated roll 16 and a patterned heated roll 18, wherein the smooth roll 16 faces the film layer 13 and the patterned roll 18 with raised elements on its surface faces the surface web 10 of prebonded continuous filaments.

It is respectfully submitted that according to the disclosure and teaching of Wahlquist et al., it is essential that the mat 12 of meltblown microfibers be between the other two layers and that altering this layer arrangement such that the meltblown microfibers forming a surface layer of the composite would contradict the disclosure and teaching of Wahlquist et al., and, therefore, could not be possibly obvious.

According to column 5, lines 40 to 47 of Wahlquist et al., it is pointed out that, when attaching the layers together the bonding conditions in the bonding nip are controlled such that the layers 13, 12 and 10 are integrated "without materially compacting the microfiber mat 12 or introducing excessive fused bond areas that reduce the bulk and absorbent capacity of the microfiber mat". So, Wahlquist et al., teaches that the microfiber mat 12 not be materially effected by the bonding or attaching of the layers to each other and that this microfiber mat be responsible for absorbent capacity. Indeed, column 10, lines 23 to 25 stresses that the proportion of microfiber mat included within the composite material is determined by the absorbent rate and capacity properties desired. And column 10, lines 9,

10 associates a "significantly greater abrasion resistance and strength" to the surface layer continuous filament web 10 compared to the mat of meltblown fibers 12. Column 10, line 11 further mentions "the screening effect of the continuous filament web 10" with respect to the mat 12 of microfibers. All this stresses that the specific arrangement taught by Wahlquist et al. requires the mat 12 of meltblown fibers to be arranged between the film 13 and the web 10 of prebonded continuous filaments (with thickness 15 to 25 µm). The disclosure and teaching of Wahlquist et al. suggests that this high thickness fiber surface web 10 is responsible for providing for a desired abrasion resistance and strength and for screening the inner mat 12 of meltblown microfibers, which latter are to provide for the required absorbent rates and capacities. Changing this order or sequence of layers (with regard to Morman et al.) would contradict the teaching of Wahlquist et al. and lead to substantial compaction of the microfiber mat 12 by the heated patterned roll 18. This would contradict column 5, lines 40 to 47!

It is therefore respectfully submitted that the subject matter of claim 22 is not obvious, and instead involves an inventive step by departing from the general disclosure and concept of Wahlquist et al., alone or modified by Morman et al.

The further features recited in claims 23, 24 and 25 together with providing the third layer of microfibers directly on the full surface of the side of said first layer remote from said second film layer by a meltblown process by three-dimensionally penetrating the surface structure of the first layer in such a way that the mean spacing D' between the third layer and the second film layer is less than thickness of the first layer which is sandwiched inbetween, as recited in claim 22, leads to the further advantageous retention or adhesion forces which it is respectfully submitted, further involves an inventive step, because, as noted above, it cannot be regarded as obvious to change the order/sequence of layers of Wahlquist et al., even considering Morman et al.. When considering the specific teaching of Wahlquist et al., Morman et al. cannot, it is respectfully

suggested, changing the specific order of layers, because this would be in contradiction to Wahlquist et al.

(2)

Claims 38 - 43 are rejected over the combination of Wahlquist et al, Morman et al and Tapp, with the examiner turning to Tapp for a teaching a the micropore size recited in claim 38. But claim 38 depends from claim 22 as do claims 39 - 43. It is proper to ask, therefore, does Tapp provide the teaching link which is lacking in the combination of Wahlquist et al and Morman et al, as noted above? It is respectfully submitted that it does not. Refer again to the discussion of Tapp in the Response filed February 22, 2005.

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In order for 35 USC 103 to be successfully applied, it is necessary that ***all*** parts of the claimed invention be taught outright or at least suggested. See, ***In re Gordon***, 221 USPQ1125 (Fed. Cir. 1984). See also for guidance, ***Ex parte Granneman*** 68 USPQ2d 1219 (BdPatApp&Int, unpub., 2003).

Without a basis for combinaing the references, claims 22 - 47 should be allowed.

Respectfully submitted,
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Date: Oct. 3, 2005

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